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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,642	12/29/2003	Robert David Steinberg	RDS001	5712

7590 08/10/2006

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EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/747,642	STEINBERG, ROBERT DAVID	
	Examiner	Art Unit	
	Tri M. Mai	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, all claimed elements must be shown, including the cover with the all claimed fastening means, the cover being a flat sheet and the covering system being a roll of flat sheet of material and the mounting of the cover as set forth in the claims. must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings **will be held in abeyance**.

2. Claims 1-12 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the

inventors, at the time the application was filed, had possession of the claimed invention. The description does not teach how the roller is made and attach to the vehicle and how the various fastening means being attach to the vehicle. Note drawings objections above.

3. Claims 1, 3- 5, and 8 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kent, Jr. (4179152). Kent, Jr. teaches a covering system having attaching means being hooks and loops fastening means. With respect to the adhesive backing, note the hooks and loops system in Kent inherently having adhesive so that they can be attached to the vehicle. Note that the cover in Kent, Jr. flat as claimed, i.e. a portion of the cover if flat or the cover can be laid flat. The claim does not set forth the entire sheet to be flat.

4. Claim 8 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Kent, Jr. in view of Lantrip (4589459). To the degree it is argued that that there is no adhesive in the hooks and loops fasteners. Lantrip teaches that it is known in the art to provide hooks and loops fasteners being attached by adhesive (col. 4, ln. 27). It would have been obvious for one of ordinary skill in the art to provide hooks and loops fasteners being attached by adhesive to provide the desired attachment means for attaching the fasteners.

5. Claims 1-4, and 9-13 are rejected under 35 U.S.C. 102 (b) as being anticipated by either Tung-Chow (4834446) or Mouton (5088788). Tung-Chow teaches a vehicle covering system comprising a flat sheet in a box. Note the teaching of plastic and the material being opaque. Furthermore, it is noted that plastic is a non-woven fabric as claimed.

Regarding claim 12, the box is the storage compartment of the vehicle, and the roller is mounted to opposite lateral sides as claimed.

Regarding claim 13, note means for attaching at portion 33 as shown in Fig. 4.

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Mouton teaches a similar covering system as claimed.

6. Claims 1-4 are rejected under 35 U.S.C. 102 (b) as being anticipated by Birdsell (6003929). Birdsell teaches a cover with a clip attached to a magnet 49 as shown in Fig. 7

7. Claims 1, 4, and 6 are rejected under 35 U.S.C. 102 (b) as being anticipated by De La Cruz (5490707) or Smith (2608942). Cruz teaches a cover with a fastening means being a suction cup as shown in Fig. 6.

Smith also teaches a cover with a fastening means being a suction cup.

8. Claims 1-4, and 7 are rejected under 35 U.S.C. 102 (b) as being anticipated by Tate (3241877) or Woodruff, Sr. (2764765) or Drake (1584518). Tate or Woodruff teaches a cover with snaps fastening means.

9. Claim 3 is rejected under 35 U.S.C. 103 (a) as being unpatentable over anyone of Kent, Tung-Chow, or Mouton Jr. , or Birdsell in view of Rolan (4821785). To the degree it is argued that that the cover in anyone of these references are not non-woven. It would have been obvious for one of ordinary skill in the art to make the cover from non-woven fabric (col. 4, ln. 39) to provide an alternative material for the cover.

10. This application contains claims directed to the following patentably distinct species:

Group I: cover in a roll.

Group II: cover having fastening means being clip attached to a magnet.

Group III: cover having fastening means being hook and loop

Group IV: cover having fastening means being snaps

Group V: cover having fastening means being suction cups.

The species are independent or distinct because each of the attachment means is independent from each other.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.


Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the

inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai 
Primary Examiner
Art Unit 3727